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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,607	06/07/2001	Jon Bert Edmondson	TS9183US	6440

7590 10/06/2003

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EXAMINER

POPE, DARYL C

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/857,607

Applicant(s)
EDMONDSON

Examiner
DARYL C. POPE

Art Unit
2632



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jun 7, 2001 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 6) ☐ Other:

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DETAILED ACTION

Specification

1. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is unclear as to the disclosure of the invention since pages are missing and text is cut off. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph.

2. A substitute specification including the claims is required pursuant to 37 CFR 1.125(a) because the specification is missing pages and text is cut off on several pages.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8, line 2, use of the term "it" is indefinite since the examiner has no idea as to what "it" is referring to.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Due to applicant's missing pages of the specification, the specification does not adequately disclose subject matter pertaining to various limitations in the claims such as means responsive to an audio output to generate a modulated signal for emitting externally of the unit. Appropriate correction is required.

Drawings

7. The drawings are objected to because the boxes in the drawings need labels. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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ART REJECTION:

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al(6,097,313).**

-- In considering **claims 1-4**, the claimed subject matter that is met by Takahashi et al(Takahashi) includes:

- 1) the claimed transponder section is met by the road vehicle communication unit(0202);
- 2) the claimed remote station is met by the road side unit(0106);
- 3) the claimed data processing section is met by the information processing unit(0203);
- 4) the claimed means for providing the incoming data to the data processing section
- 5) the claimed data processing section including means for providing an audio and/or visual output for the user of the unit is met by the voice(0206) and information(0207) output devices;

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6) the claimed means responsive to the audio output to generate a modulated signal for emitting externally of the unit is met by the telephone(0512) which is responsive to verbal requests by a user so as to emit a signal to service provider for obtaining information(See: column 19, lines 30-48).

- Takahashi does not show:

1) the claimed means for storing an identification code, emitting a signal bearing the identification code, and incoming data signals including an address code;

2) the claimed housing including one or more batteries.

With regards to the claimed means for storing and emitting a signal bearing an identification code, Takahashi discloses that a particular ID signal is transmitted from the vehicle mounted unit(see: column 17, lines 34-42). Therefore, it would have been obvious that a means for storing an ID code would have been included in the system of Takahashi, since a storage means would have been necessary in order to maintain the code until it would have been necessary to send the ID signal based on the communication protocol.

Furthermore, the examiner takes Official Notice that in the signal transmission art, use of data signals including address codes are well known, and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate address codes into the data signals received from the road units(0106), since this would have ensured that signals would have been received and processed properly.

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Furthermore, although not specifically shown by Takahashi, it would have been obvious that some form of powering means and housing would have been included in the system since the system would have required power, and therefore use of batteries as a power source would have provided a low cost and reliable means for providing power to the system.

-- **Claim 5** recites subject matter that is met as discussed in claim 3 above, as well as:

1) the claimed means for providing an audio and/or visual output including means for providing an aural output is met by the voice output device(0206).

-- **Claims 6-7** recite subject matter that is met as discussed in claim 3 above, as well as:

1) the claimed means for receiving an input from a user, and the input comprising a keypad is met by the information input device(0208) including operation buttons(see: column 11, lines 10-11).

-- **Claim 8** recites subject matter that is met as discussed in claim 3 above, as well as:

1) the claimed means for linking it to an external device is met the touch panel or pointing device(see: column 11, lines 10-11).

Conclusion

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314(for formal communications intended for entry)

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and as well:

(703) 872-9314(for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daryl C. Pope whose telephone number is (703) 305-4838. The examiner can normally be reached on M-Th from 7:30 to 6:00 since the examiner works on a compressed work schedule in which every Friday is the examiner's day off.

All interviews requested, whether personal or telephonic, are to be scheduled for times between 11:00 a.m. and 5:00 p.m. between Tuesdays-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (703) 308-6730. The fax phone number for the organization where this application or proceeding is assigned is (703)-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Daryl C. Pope



**DARYL POPE
PRIMARY EXAMINER**

Sept. 25, 2003